

SECRETARY OF LABOR
WASHINGTON, D.C. 20210

*Submitted by
Mr. Byrd*
FEB 13 2007

The Honorable George Miller
Chairman
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing to express the Administration's opposition to H.R. 800, the "Employee Free Choice Act." If enacted, the bill would adversely affect a worker's right to freely choose whether or not to join a union or to select a particular union of his or her choice.

First, the Administration opposes any effort to circumvent the right of workers to request a supervised election and private balloting. It is a fundamental tenet of democracy that elections proceed without pressure, without public disclosure, and without demands for public declarations. It was because of widespread intimidation of workers during organizing drives in the 1930s and 1940s that Congress amended the National Labor Relations Act in 1947 to expressly provide workers with the right to a private ballot. Returning to public declarations over private ballots would turn back the clock 60 years to a failed system. A worker is entitled not only by law, but also by decency, to render a decision on unionization in private - so his or her vote is kept secret from employers, coworkers, and union organizers.

Second, the bill establishes a very short timetable for labor negotiations and overturns nearly 60 years of law and precedent on collective bargaining. In the process, it denies parties the right to freely bargain over working terms and conditions. Compulsory binding arbitration, as required by this legislation, would be an unprecedented government intrusion.

Finally, Section 4 of H.R. 800 would provide excessively punitive penalties that do not apply equally to both employers and unions.

We strongly urge members of the House Education and Labor Committee to oppose this legislation. If H.R. 800 were to be presented to the President, I would recommend the President veto this legislation.

The Office of Management and Budget advises that there is no objection from the standpoint of the President's program to the presentation of these views and that enactment of H.R. 800 would not be in accord with the program of the President.

Sincerely,

E.L. Chao

Elaine L. Chao

cc: The Honorable Howard P. "Buck" McKeon